

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NEPAMUCENO GALVAN,

Plaintiff,

V.

ROLLINGS LAWNS, INC., DAVID FERRARO and)
EVAN FERRARO,)

Defendants.

23-cv-06724 (CS)

STIPULATION

WHEREAS Plaintiff Nepamuceno Galvan (“Plaintiff”) commenced this action on August 1, 2023 against Defendants Rollings Lawns, Inc., David Ferraro and Evan Ferraro (collectively, “Defendants”);

WHEREAS Defendants filed and served a Partial Motion to Dismiss on December 20, 2023 (Docket Entry No. 16);

WHEREAS the parties have amicably reached a resolution of the Partial Motion to Dismiss.

NOW, THEREFORE,

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned
counsel for the parties hereto as follows:

1. Plaintiff agrees to withdraw his Fair Labor Standards Act (“FLSA”) Recordkeeping claim (Third Claim for Relief) and his claim for Failure to Furnish Wage Statements pursuant to Section 195(3) of the New York Labor Law (“NYLL”) (Tenth Claim for Relief) with prejudice;

2. Defendants hereby withdraw their Partial Motion to Dismiss, including that portion of Defendants' Motion relating to Plaintiff's Ninth Claim for Relief, the Failure to Provide Wage Notices under NYLL Section 195(1);

3. Defendants do not waive their right to later seek dismissal of Plaintiff's Ninth Claim for Relief, NYLL Section 195(1), via alternate motion.

4. Defendants shall serve an Answer to Plaintiff's Complaint by February 16, 2024;

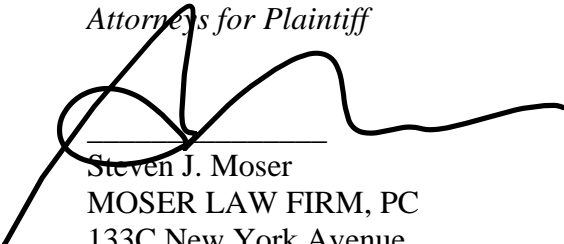
5. IT IS FURTHER STIPULATED AND AGREED, that e-signatures shall be deemed as originals for purposes of this Stipulation.

Dated: January 19, 2024

/s/ Randi Cohen

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SO ORDERED.


CATHY SEIBEL, U.S.D.J.

1/19/24

The Clerk of Court is respectfully directed to terminate
ECF No. 16.